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Garden: Developers attracted because site is on commuter route

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alongside the homeless.

The garden is also covering some prime real estate. The corner of 15th and Q would be a good place for a grocery store, said Paul Petrovich, a developer interested in the site, because it's on the path that many people use to commute to neighborhoods such as Land Park to the south. This group, combined with downtown and midtown residents, would provide a strong customer base. He said every grocery chain in Sacramento had expressed interest.

Alvarado said the site had long been designated by the state for housing. Any grocery store proposal would probably have to incorporate some housing, he said.

But Mandella gardeners have let loose with a squall of protest. They have complained to the CADA board and the Sacramento City Council, most of whose members have previously gone on record supporting the garden in its current location.

Judging from history, the gardeners have a good chance of scuttling any attempt to build. For about 25 years, their protests have kept the state from booting the garden, which holds a $1, month-to-month lease on the site.

The gardeners have succeeded in turning the property into a political hot potato. Bob Stuter, the garden's informal leader, and his wife, Jan, donated $7,800 of their own money to help erect a tall wrought iron fence around the property. And they have festooned the fence with plaques bearing the names of supporters, including politicians such as state Sen. Deborah Ortiz and Assemblyman Darrell Steinberg, two Sacramento Democrats.

The developers are careful to say they don't want to antagonize the 70 or so people who tend plots there.

"We've said from the beginning that if the gardeners aren't happy, we're not moving forward," said Josh Pane, a former Sacramento city councilman who has teamed with Petrovich to propose a grocery store on the site. "We're not going to run over anybody here."

Petrovich and Lux Taylor, the other developer looking at Mandella for a grocery store, have suggested that the garden could be moved to the roof.

Stuter said gardeners don't like that idea. "Nothing's ever ruled out, but I took it back to the board, and they don't want a rooftop garden," Stuter said. The large fruit trees that dot the garden couldn't be moved to the roof, he said, and

Bee photograph/Jay Mather

Justin Bailie works his plot Friday at the Mandella Community Garden at 15th and Q streets in Sacramento, where developers have envisioned a grocery store and housing.

the plots would probably become a few degrees hotter.

Taylor said he thinks a better solution would be to find another site for the garden and make it permanent. "I think the community garden is a critical thing to keep in Sacramento," he said. "It makes Sacramento a little different, a little more diverse."

Taylor said the downtown area also needed a major grocery store, especially with more than 1,000 new housing units in the works. And the 15th and Q streets location, he said, "is the best site."

But the idea of moving a garden to build a supermarket is bound to raise the hackles of people who live and work around Mandella.

Julie Virga, owner of Virga's Restaurant and Bar at 14th and O streets, sent a letter to the CADA board Feb. 17 complaining that a supermarket would "ruin the ambience" of the neighborhood.

"The charm of this area is that it is a neighborhood with quaint corner markets, restaurants and cafes," wrote Virga, who recently rented a plot at Mandella and said she planned to grow herbs and vegetables.

The CADA board isn't ruling out the idea of allowing the garden to remain, Alvarado said. "There are obviously a lot of people who think a garden is the highest and best use for that site, and we respect that opinion."

Two developers give big in Elk Grove race

By Stuart Leavenworth
Bee Staff Writer

Not yet a municipality, Elk Grove is attracting big-city spending in its 21-candidate City Council race.

As of Friday, candidates had raised more than $312,000 in cash, loans and in-kind contributions, according to campaign finance reports filed with Sacramento County.

Developers of the proposed Lent Ranch Mall in Elk Grove remain the largest single giver to all candidates.

M&H Realty Partners and Sacramento builder Martin Feletto – the two developers of the proposed mall – had contributed $31,914 to 11 candidates. Much of it came in the last week for a recent flurry of "slate-mail" endorsement brochures.

The candidates receiving Lent Ranch money include Dennis Campbell with $5,244; Rick Soares with $5,026; Rick West with $4,630; Mike Leary with $4,354; Sophia Scherman with $4,142; Lou Zimmerle with $3,041; Jim Cooper with $1,475 and $1,000 each to Dan Briggs, Norm DeYoung, Elliot Mulberg and Gary Winuk.

Other large campaign contributors include the California Real Estate PAC, the Sacramento Sheriff's Association and other labor groups.

Overall, the largest fund-raisers include candidates DeYoung with $42,677; Leary with $42,366; Briggs with $38,311; Zimmerle with $30,011 and Soares with $29,344.

Organizers of the proposed incorporation also have a big war chest. To date, they have raised more than $167,000 for Measure J, an incorporation proposal that will be unopposed on Tuesday's ballot. If Measure J passes on Tuesday, the top five vote-getters for the council will be seated.

Council: Five vying for District 8 seat

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and McGee was called in as a last-minute substitute.

Shelby and McGee said they have been married for 20 years and both are active in the community. Shelby said she didn't find anything wrong with either taking credit for a 50 percent tax cut or not identifying McGee as her husband in the radio ad.

"My intent was not deception," she said. "He identified who he is on the tape and he's identifiable in the community."

Pannell didn't agree.

"I know that's Pat Shelby's husband, but the community doesn't know that," she said.

Shelby countered that in Pannell's ad, the incumbent exaggerates her role in securing $100,000 from the owners of the Sacramento Kings to refurbish baseball fields in south Sacramento. Pannell was one of two council members who asked the Kings for the donation last fall.

Pannell is also being challenged for her seat by Christopher Clark, Aaron Evans and Steve Thomas in Tuesday's election. District 8 includes the neighborhoods of Meadowview, North Laguna Creek, Golf Course Terrace, Executive Airport and Freeport Manor.

The Pannell and Shelby camps also have exchanged jabs over a mailer that began arriving in District 8 residents' mail this week.

While two of the pages are clips from The Sacramento Bee – one of them an editorial endorsing Shelby for City Council – the final page contains two "editorials" claiming that Pannell cheated on her taxes and owes favors to land developers for lending her money.

"It's really a sleazy tactic – not only are they not editorials, they're not taken from anything The Bee has ever written," said Kris Deutschman, a consultant on Pannell's campaign.

Shelby said her campaign is not responsible for the mailer.

Deutschman countered that in the mailer Shelby is endorsed by Norma Webb, a District 8 resident who is heard in Shelby's radio ad.

Two life terms for wounding cop during arrest

By Edgar Sanchez
Bee Staff Writer

Joseph Rosales was sentenced Friday to two life terms in prison for wounding a Sacramento police officer who was trying to arrest him for a parole violation in 1998.

"There's no doubt in my mind that Mr. Rosales tried to take my life," Officer George Chargin, who was hit by two bullets fired by the defendant, told Sacramento Superior Court Judge Faith Geoghegan. "He's a danger to society. ... I hope you ... lock him up the rest of his natural life."

The judge imposed the maximum sentence, meaning that Rosales, 33, won't be eligible for parole for nearly 40 years.

In December, Rosales was convicted by a jury of three felony charges: attempted second-degree murder of a police officer; assaulting a police officer with a firearm; and being a felon in possession of a firearm.

Rosales, a convicted car thief, had been paroled in 1997 after serving 16 months.

On the night of March 8, 1998, Chargin and his partner, Dave Nakata, saw Rosales, astride a bike, using a pay phone at Dos Rios and Richards Boulevard.

Rosales pedaled away, but Chargin emerged from the squad car and managed to grab him by the back of his jacket, prosecutor Rod Norgaard said.

Dumping his bike, Rosales took off on foot.

Chargin chased him on Rosales' own bike. But when Chargin rounded a corner several blocks away, he found Rosales in a standing position, pointing a .22-caliber gun at him. Rosales fired at least six shots.

One bullet struck Chargin in the leg; another hit him in the lower back.

Rosales was apprehended soon after a couple of blocks away in his mother's house. The gun used in the shooting was found in the home.

Chargin, a 10-year veteran of the Police Department, rejoined the force after 11 months. The bullet that shattered his tail bone and lodged next to his spinal cord remains inside him, causing him chronic pain.

The judge denied Rosales' motion for a new trial.

"If this case were tried 150 times, 150 different times a jury would find Mr. Rosales guilty (as charged)," Norgaard told the court.

Erickson: Decision angers victims' families

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resentence Erickson.

At the Friday resentencing hearing, Golden said he would rule on a pending defense motion for a new trial.

That stunned defense attorney David W. Dratman, who had sought probation for his client and indicated he would be willing to withdraw the motion for a new trial.

Golden rebuffed Dratman's offer and told him that withdrawing the motion "would not be prudent."

Placer County Deputy District Attorney Dan Gong urged Golden to reinstate the original verdict and slam Erickson with the maximum penalty allowed by law: 30 years to life in state prison.

The appellate justices had read the record and found "strong evidence, compelling evidence" that the jury verdict was valid, Gong reminded Golden.

But Golden found neither attorney convincing.

Golden reminded the attorneys – and, by extension, Erickson and the many family members of the victims seated in the gallery – that whenever two possible inferences can be drawn from the same set of facts, then the finder-of-fact is required to accept the one pointing to innocence.

Furthermore, Golden reminded Gong and Dratman that the trial had come "perilously close to a mistrial" when a juror reported that she was upset at how the deliberations appeared to be going and could not see how a verdict of murder was possible.

Golden then granted Erickson a new trial and set a trial status conference for 1:30 p.m. March 24.

Then Golden, 74, said he didn't see any reason why he should be the judge, if and when any new trial rolled around.

Linda Hedman, mother of 16-year-old Christopher C. Hedman, one of the two victims, was angry with the judge's ruling. "He just doesn't want to accept his responsibility," she said.

"It's a miscarriage of justice," Frank DuBois, Christopher Hedman's grandfather.

"I've never seen anything like it, and I was in the courts for 27 years," he said. DuBois said he had served on many special courts, summary courts and courts martials in the military.

Gong gave no predictions of what lay ahead for the case. He said he would immediately call the state Attorney General's Office to see what legal options he had.

"I think 12 jurors will convict" in this, Gong said.

Dratman declined to comment.

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